

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Satu HAGFORS et al.

Application No.: 10/587,148

Filed: April 9, 2007

For: PRESS BELT



Group Art Unit: 3657

Examiner: A. MOMPER

Docket No.: 128818

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This request is being filed with a Notice of Appeal and Petition for Extension of Time. Review of the September 1, 2009 Final Rejection is requested for the reasons set forth in the attached five or fewer sheets.

Should any questions arise regarding this submission, or the Review Panel believe that anything further would be desirable in order to place this application in even better condition for allowance, the Review Panel is invited to contact the undersigned at the telephone number set forth below.

Respectfully Submitted,

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Attachments:

Petition for Extension of Time

Date: March 1, 2010

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REMARKS

Claims 1-11 are pending in this application. Claims 1-11 were finally rejected on September 1, 2009, over four newly-applied references.

The courtesies extended to Applicants' representatives by Examiners Momper and Siconolfi at the interview held February 22, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

Claims 1 and 5-11 are rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 7,185,757 to Ishino et al. ("Ishino"). This rejection is respectfully traversed.

Ishino was filed March 28, 2005. This application claims priority to a Finnish application filed February 3, 2004. Certified copies of the priority documents have already been received by the PTO. Applicants are prepared to file an English-language translation of the priority document to remove Ishino as prior art with respect to the subject matter of the pending claims. Applicants understand however that no additional evidence can be submitted in support of this Request. Upon reopening prosecution based on finding that the other rejections of the pending claims are overcome, if Applicants will file the accurate English-language translation of the priority document to antedate Ishino.

Accordingly, this rejection should be withdrawn.

Claims 1, 5 and 7-11 are rejected as anticipated by U.S. Patent No. 6,284,102 to Inoue et al. ("Inoue"). The rejection is respectfully traversed.

Inoue is focused on increasing flexibility by bending in the direction of CMD and inhibiting cracks from being produced. *See* Inoue at col. 3, lines 12-16. Nothing in Inoue defines that CMD yarns of the outer layer would absorb energy more than the yarns of the rest of the layers or that the outer layer would be more flexible than the yarns of the other layers. Nor does the Office Action cite a portion of Inoue that teaches being restored from

deformation with delay. The Office Action simply states that the reinforcement yarns will absorb energy and restore from deformation with some delay due to friction. Inoue does not disclose "adjacent reinforcement yarns spaced in the transverse direction, which absorb energy and are restored from deformation with delay in connection with deformation." See claim 1. The pending claims are directed to a structural composition of the recited yarns that gives them novel features over the prior art relating specifically to an ability of the yarns in the outermost layer to absorb energy and be restored from deformation with delay when compared to the yarns of the other layers. Because Inoue does explicitly, or otherwise inherently, disclose such a feature, this reference cannot anticipate claim 1.

Applicants representatives presented the above inputs to Examiners Momper and Siconolfi during the February 22 personal interview. The Examiners asserted their belief that the subject matter of the pending claims was drawn to merely function rather than structure. This conclusion of the Examiners is, in Applicants opinion, in error. Inoue does not explicitly discuss absorbing energy and that the yarns are restored from deformation with delay in connection with the deformation. The subject matter of at least independent claim 1 is drawn to a very specific structural configuration of a press belt, with very detailed interrelationships between the recited features. There is no specific disclosure of such construction in the Inoue reference. In fact, Inoue is totally silent regarding any alleged structural features. It is for this reason that Applicants believe that the only manner by which the conclusions of the Office Action can be reached are through the teachings of Applicants' disclosure. For at least the foregoing reasons, claim 1 is not anticipated by, or otherwise rendered obvious over, Inoue. Further, claims 5 and 7-11, which depend from claim 1, are allowable for all of the reasons claim 1 is allowable. Withdrawal of the rejection is respectfully requested.

The Office Action, in paragraphs 10-12, rejects claims 2-4 and 6 under 35 U.S.C. §103(a) as being unpatentable over Inoue alone, or in view of one or more of U.S. Patent No.

6,908,532 to Steiner et al. (hereinafter "Steiner") or U.S. Patent No. 5,259,822 to Nakanishi et al. (hereinafter "Nakanishi"). These rejections are respectfully traversed.

None of the additionally applied references can reasonably be considered to overcome the above-identified shortfalls in the application of Inoue to the subject matter of claim 1.

Specifically with regard to claims 2 and 3, these claims would not have been rendered obvious over a modified version of Inoue.

The Office Action asserts that it would have been obvious to modify Inoue to adjust the number of yarns wound in the inner and outer layers, wherein increasing the density of the yarn allows for increased bending and tensile strength. There is no indication in Inoue of the features in Applicants' claims.

Inoue does not discuss the flexibility of the yarn layers or yarn material. There is no indication in Inoue of the features in claims 2 and 3 relating to the relative flexibility of the yarn layers. Even if one would choose a yarn material to use in Inoue that may be more flexible than another layer, this does not render the claims obvious. It has not been adequately shown that a person of ordinary skill in the art at the time of the invention would have known to adjust the flexibility of the yarn layers, in the manner recited. Inoue simply would render claim 2 obvious, Inoue does not teach that "the reinforcement yarns of the outermost yarn layer are more flexible than the reinforcement yarns of the inner yarn layers." None of the structures taught in Inoue would lead to this arrangement.

For at least the foregoing reasons, and because none of the additionally-applied references can reasonably be considered to teach, or to have otherwise suggested, features that would overcome the shortfalls in the application of Inoue to the subject matter of claim 1, claims 2-4 and 6 also would not have been rendered obvious by the varying combinations of applied references for at least the respective dependence of these claims on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 are earnestly solicited.